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2 Federal Public Defender
3 YOLANDA M. BARRERA
4 Chief Deputy Federal Public Defender
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FILED

JAN 21 4:25 PM '88

11 Attorneys for Defendant
12 RAUL LOPEZ-ALVAREZ

13
14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,) NO. CR 87-422(A)-ER

17 Plaintiff,) REPORT RE:
18 v.) ATTEMPTED COMPLIANCE WITH
19 RAFAEL CARO-QUINTERO, et. al.,) COURT'S ORDER FOR DISCOVERY
20 Defendants.) AND INSPECTION IN CRIMINAL
21 CASES

22 Defendant, RAUL LOPEZ-ALVAREZ, by and through his attorneys,
23 ELSA LEYVA and YOLANDA M. BARRERA, files this report re: his
24 attempt to comply with this Court's order for discovery and
25 inspection in criminal cases.

26 ENTERED ON CO

27 JAN 22 1988

28 Respectfully submitted,

PETER M. HORSTMAN
Federal Public Defender

29 26

DATED: January 21, 1988

30 By Yolanda M. Barrera

31 YOLANDA M. BARRERA

32 Chief Deputy Federal Public Defender

DECLARATION OF YOLANDA M. BARRERA

I, YOLANDA M. BARRERA, state and declare as follows:

1. I, along with ELSA LEYVA, have been appointed to represent RAUL LOPEZ-ALVAREZ in case number CR 87-422(A)-ER.

2. On January 11, 1988, we both appeared with Mr. LOPEZ before Magistrate Tassopoulos for post-indictment arraignment. After the arraignment, the government moved for this case to be low numbered to case number CR 87-919-PAR. Over the government's objection, this case was assigned to this Court. On this date, all counsel received a copy of this Court's order for discovery and inspection in criminal cases.

3. On several occasions, Ms. Leyva and I have attempted to comply with this Court's order to meet within ten days from the date of the post-indictment arraignment. We have called both Assistant United States Attorney Roel Campos and Assistant United States Attorney Jimmy Gurule to try to setup a meeting for discovery and inspection. I understand that Mr. Campos has indicated to Ms. Leyva that the government is not prepared to meet with us within the ten days as required by this Court's order. Attached, please find memos to Mr. Campos from Ms. Leyva and me.

4. On today's date, the 10th day, I attempted to call Mr. Gurule and Mr. Campos to advise them that I was still ready.

1 willing, and able to meet with them, and that I felt that this
2 was necessary to comply with this Court's order. I was advised
3 that Mr. Gurule was not in the office; although I called Mr.
4 Campos twice, as of the dictating of this declaration, Mr. Campos
5 has not called me back.

6 I declare under penalty of perjury that the foregoing is
7 true and correct to the best of my knowledge.
8

9 DATED: January 21, 1988

By Yolanda M. Barrera
10 YOLANDA M. BARRERA
11 Chief Deputy Federal Public Defender

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FILE COPY

MEMORANDUM

FEDERAL PUBLIC DEFENDER
CENTRAL DISTRICT OF CALIFORNIA

TO: Roel Campos
Assistant U.S. Attorney

DATE: January 15, 1988

FROM: Yolanda M. Barrera
Chief Deputy Federal Public Defender

RE: U.S. v. Raul Lopez-Alvarez, CR 87-422(A)

As you know, Elsa Leyva and I are representing Mr. Lopez in the above entitled matter. I was advised by Ms. Leyva that your office is taking the position that until the government's motion to have the case low numbered to Judge Rymer is resolved, you are refusing to meet and confer for purposes of resolving discovery requests. I am disturbed that you are taking this position because we believe that Judge Rafeedie's order is binding notwithstanding your pending motion. Unless and if the government's motion is granted, we are under a court order to meet and confer.

By this memorandum, we are making a discovery request for all items within the purview of Rule 16 of the Federal Rules of Criminal Procedure. Further, we request all documents that fall within the ambit of Brady v. Maryland. Finally, if there are any informants in this case we would like to have the following information disclosed to us at this time:

- A. The identity of the informant(s).
- B. The location of the informant(s).
- C. The informant'(s) rap sheet.
- D. The nature of the informant(s) compensation from the government.

We would appreciate a prompt response to this request.

YMB:ams

MEMORANDUM

FEDERAL PUBLIC DEFENDER
CENTRAL DISTRICT OF CALIFORNIA

Roel Campos

January 14, 1988

DATE:

TO: Assistant United States Attorney
Elsa Leyva E.h.
FROM: Deputy Federal Public Defender

United States v. Rafael Caro-Quintero, et. al.
RE: CR 87-442 (A)-ER

This is to confirm our telephone conversation on January 13, 1988, regarding the Court's Order For Discovery and Inspection In Criminal Cases issued on January 11, 1988.

I advised you that I was prepared to meet with you regarding the discovery to be provided by the government and requested that we set a date and time prior to January 21, 1988, as required by the court order.

You advised me that until the issue of the government's low-number motion was resolved you did not believe that the government was required to comply with the order for discovery. Furthermore, you informed me that you did not have to comply with the court's order because all defendants in custody had not been arraigned.

My position is that unless the court grants your motion and assigns the case to Judge Rymer prior to January 21, 1988, Judge Rafeedie's order is in full force and effect.

I am prepared to meet with you or Assistant United States Attorney Jimmy Gurule or anyone else from your office you may designate any work day between the hours of 9:00 a.m. and 6:00 p.m. If I cannot meet with you at the time you are available, Ms. Yolanda Barrera, who is also attorney of record in this case will meet with you.

Should you fail to meet with me or Ms. Barrera by January 21, 1988, we will be filing a status report advising the court of our respective positions with respect to the court's order.

EL:sah

cc: Yolanda Barrera, Chief Deputy Federal Public Defender

1 PROOF OF SERVICE

2 I, the undersigned, declare that I am a citizen of the United
3 States and a resident and employee in Los Angeles County,
4 California; that my business address is the Federal Public
5 Defender's Office, United States Courthouse, 312 North Spring
6 Street, Room 1503, Los Angeles, California 90012; that I am over
7 the age of eighteen years; that I am not a party to the above-
8 entitled action; that I am employed by the Federal Public
9 Defender for the Central District of California, who is member of
10 the Bar of the United States District Court for the Central
11 District of California, at whose direction the service was hand
12 delivered to:

13 U.S. ATTORNEY
14 United States Courthouse
15 312 North Spring Street, Suite 1200
16 Los Angeles, California 90012

17 Jenny Farull
18 Assistant United States Attorney
19 United States Courthouse
20 312 North Spring Street, Suite 1200
21 Los Angeles, California 90012

22 This proof of service is executed at Los Angeles, California,
23 this 21st day of January, 19 88.

24 CAROLYN JOHNSON-SYED
25 CAROLYN JOHNSON-SYED
26 Legal Secretary

PROOF OF SERVICE

I, the undersigned, declare that I am a citizen of the United States and a resident and employee in Los Angeles County, California; that my business address is the Federal Public Defender's Office, United States Courthouse, 312 North Spring Street, Room 1503, Los Angeles, California 90012; that I am over the age of eighteen years; that I am not a party to the above-entitled action; that I am employed by the Federal Public Defender for the Central District of California, who is member of the Bar of the United States District Court for the Central District of California, at whose direction the service was hand delivered to:

13 U.S. ATTORNEY
14 United States Courthouse
15 312 North Spring Street, Suite 1200
Los Angeles, California 90012

16
17 *Rael Campos*
18 Assistant United States Attorney
United States Courthouse
19 312 North Spring Street, Suite 1200
Los Angeles, California 90012
20

22 This proof of service is executed at Los Angeles, California,
23 this 21st day of January, 19 88.

CAROLYN JOHNSON-SYED
CAROLYN JOHNSON-SYED
Legal Secretary